



U.S. Department of Justice

United States Attorney  
Southern District of New York

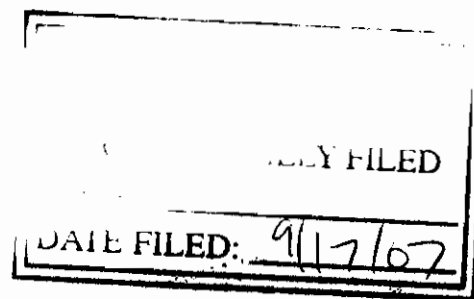
The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 12, 2007

**Via Hand Delivery**

The Honorable Richard J. Sullivan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Carlos Pena Ontiveros, et al.*  
07 Cr. 804 (RJS)



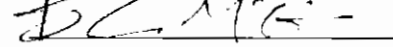
Dear Judge Sullivan:

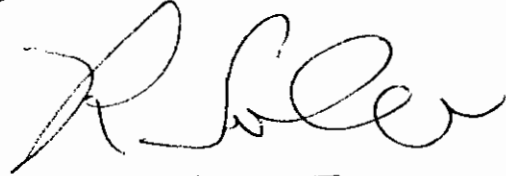
On August 22, 2007, an indictment was issued against defendants Carlos Pena Ontiveros and Silvestre Rico Beltran, and the case was assigned to the Honorable Shirley Wohl Kram. Pursuant to Judge Kram's referral, both defendants were arraigned in Magistrate Court on September 7, 2007 by the Honorable Gabriel W. Gorenstein. At the arraignment, Magistrate Judge Gorenstein excluded time under the Speedy Trial Act until September 21, 2007.

The first pre-trial conference before Your Honor has been scheduled for September 26, 2007, at 3:00 p.m. The Government respectfully requests that time be excluded from September 21, 2007, until September 26, 2007, under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) to permit the Government to gather and produce discovery and because the ends of justice outweigh the defendants' and the public's interest in a speedy trial. I have spoken to counsel for both defendants, and each has indicated that there is no objection to this request.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:   
Brendan R. McGuire  
Assistant United States Attorney  
212.637.2220

So ordered  
  
USDT  
9/13/07